

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SHELBY COUNTY, TENNESSEE

Plaintiff,

v.

Case No. 2:21-cv-02550-SHL-atc

GOVERNOR BILL LEE, in his official
Capacity as GOVERNOR OF THE STATE
OF TENNESSEE,

Defendant.

**PLAINTIFF SHELBY COUNTY, TENNESSEE'S
UNOPPOSED MOTION FOR LEAVE TO FILE EXCESS PAGES**

Plaintiff Shelby County, Tennessee ("Shelby County") respectfully requests that the Court grant it leave to exceed the page limit in its Reply in Support of its Motion for Preliminary Injunction.¹ For the reasons stated herein, Shelby County requests leave to file a brief not to exceed twenty (20) pages.

Shelby County filed its *Motion for Preliminary Injunction* in this matter on September 3, 2021. (ECF No. 23). After requesting a continuance of the Court's hearing, Defendant Governor Bill Lee filed his Response on September 13, 2021. (ECF No. 30). In reviewing Governor Lee's Response, it appears that Governor Lee challenges both Shelby County's Article III standing and

¹ At a Status Conference held on September 9, 2021, Governor Lee indicated that he did not oppose the County's request to submit a Reply brief, for which the Court indicated approval. Shelby County is prepared to file that Reply by Monday September 20, 2021, pursuant to L.R. 7.2(c). Ordinarily, since this is a non-dispositive motion, Shelby County would have only five (5) pages for its Reply. L.R. 7.2(e).

the plausibility of its claims. Shelby County recognizes this Court's preference for brevity, but submits that Governor Lee's response opposing Shelby County's request for a preliminary injunction raises issues akin to a dispositive motion under Federal Rule of Civil Procedure 12(b). Under the circumstances of an ordinary case, Shelby County would have twenty (20) pages to rebut such issues. *See* L.R. 12.1(b). Respectfully, Shelby County requests that it be permitted this same limitation on its Reply brief, in order to adequately and fully respond to the facial challenges to its claims.

Governor Lee does not oppose this request.

Respectfully submitted,

BURCH, PORTER AND JOHNSON, PLLC

s/Tanner George Gibson

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CERTIFICATE OF CONSULTATION

On September 15, 2021, counsel for Shelby County (Sarah Stuart) consulted with counsel for Governor Bill Lee (Jim Newsom), who indicated that Governor Lee does not oppose the relief requested herein.

s/Tanner George Gibson
